

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
04-10053-RCL

UNITED STATES OF AMERICA

v.

VICTOR ARROYO

FINAL STATUS REPORT

October 25, 2004

DEIN, M.J.

A Final Status Conference was scheduled to be held before this court on Monday, October 25, 2004, pursuant to the provisions of Local Rule 116.5(C). In lieu of the conference, the government reported that this defendant intends to enter a plea. Based on that report, this Court enters the following report, in accordance with Local Rule 116.5(D):

1. This defendant intends to enter a plea and the parties have requested the return of the matter to the district judge to whom this case is assigned. A Rule 11 hearing has been scheduled before the district judge for November 15, 2004.
2. Based upon the prior orders of this court dated March 9, 2004, April 16, 2004, June 30, 2004 and September 15, 2004, as of this date, there are zero (0) days of non-excludable time under the Speedy Trial Act, and seventy (70) days remaining under the Speedy Trial Act in which this case must be tried.¹

¹ Additionally, however, the parties having reported that the defendant has indicated an intention to enter a plea of guilty, this court hereby orders the entry of excludable time, pursuant to the provisions of 18 U.S.C. § 3161(h)(1), commencing on this date, and concluding at the time the defendant offers a plea or unequivocally communicates to the court that the defendant does not intend to offer a plea of guilty. See United States v. Mentz, 840 F.2d 315, 330-31 (6th Cir. 1988).

3. The file is hereby ordered returned to the District Judge to whom this case is assigned for further proceedings.

 / s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge